

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Hilbert Stanley

Write the full name of each plaintiff.

19 CV 5101
No.

(To be filled out by Clerk's Office)

-against-

SEE ATTACHED

COMPLAINT
(Prisoner)

Do you want a jury trial?

☐ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

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NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Hilbert

First Name

Middle Initial

STANLEY

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

08A3572

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

WENDE C. F

Current Place of Detention

P.O. BOX 1187

Institutional Address

Alden

County, City

NY

State

14004-1187

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

First Name

Last Name

Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City

State

Zip Code

Defendant 2:

First Name

Last Name

Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City

State

Zip Code

Defendant 3:

First Name

Last Name

Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City

State

Zip Code

Defendant 4:

First Name

Last Name

Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City

State

Zip Code

DEFENDANTS

THOMAS GRIFFIN
JAMIE M. IAMANNA
ANTHONY C. RUSSO
DANIELLE C. MEDBURY
MARLYN KUPP
MICHAEL F. MRZYGLOD
CHARLES D. HULSAIR JR
ISHMAEL MELVIN
LOUIS J. MEROLLE
WILLIAM ROSE
JACOB N. HIMMELSTEIN
LOUIS R. CIMMINO III
CLIFFORD K. BRUNSETT
ADAM E. ESCALERA
JASON M. ALVAREZ
ROBERT J. WOMACSKO
CRAIG F. DOYEN
ROBERT V. BENTIVEGNA

DEFENDANTS

THOMAS GRIFFIN

JAMIE M. IAMANNA

ANTHONY C. RUSSO

DANIELLE C. MEDBURY

MARLYN KOPP

MICHAEL F. MRZYGLOD

CHARLES D. HULSAIR JR

ISHMAEL MELVIN

LOUIS J. MEROLLE

WILLIAM ROSE

JACOB N. HIMMELSTEIN

LOUIS R. CIMMINO III

CLIFFORD K. GUNSETT

ADAM E. ESCALERA

JASON M. ALVAREZ

ROBERT J. WOMACSKO

CRAIG F. DOYEN

ROBERT V. BENTIVEGNA

V. STATEMENT OF CLAIM

Place(s) of occurrence:

GREEN HAVEN C.F.

Date(s) of occurrence:

7-18-18

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

SEE ATTACHED

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Sodomized
STITCHES TO HEAD

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

\$100,000 individually in His or
Her official capacity

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

5-20-19
 Dated H. Herbert Plaintiff's Signature H. Stanley
 First Name H. Herbert Middle Initial Stanley Last Name
 Prison Address P.O. Box 1187
Alden NY 14004-1187
 County, City State Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: 5-20-19

STATEMENT OF CLAIM COMPLAINT

EXCESSIVE FORCE, CRUEL AND UNUSUAL PUNISHMENT
Deliberately indifferent, Failure to protect,
failure to provide adequate medical care
Sexual Assault (Sociomized)

FACTS

ON July 18 2018. WHILE LOCATED AT THE G. H. C.F
(GREEN HAVEN CORRECTIONAL FACILITY). HOUSING LOCATION E BLOCK
THE SOUTHSIDE OF THE FACILITY. WHILE MYSELF AND SEVERAL
OTHER PRISONERS WERE RETURNING FROM COMMISSARY WITH
ESCORT OFFICER [LOUIS J. MEROLLE] WE (COMMISSARY RUN) WERE
IN FRONT OF HOUSING UNIT E-BLOCK WAITING TO BE LET IN.
AFTER APPROX 15-25 MIN WE WERE LET INTO THE HOUSING UNIT
I APPROACHED THE A-MAN BUBBLE, REQUESTING REC. THE #2 MAN
[CHARLES D. HULSAIR JR] STATE["NO"] YOU'RE DONE, REC IS OVER.
I STATED THAT WE WERE WAITING OUTSIDE FOR 15-25 MIN
[CHARLES D. HULSAIR JR] TOLD ME TO SHUT THE [FUCK] UP AND
TAKE IT UP STAIRS. AS I PROCEEDED TO GO UP STAIRS. THIS
OFFICER [LEFT HIS POST] AND BEGUN TO FOLLOW ME UP THE STAIRS.
ONCE I REACHED THE 3RD DECK. THIS OFFICER [HULSAIR]
USED HIS SPRAY (OC CHEMICAL AGENT) TO SPRAY ME FROM BEHIND.
THEN PRESSED HIS ALARM FOR ASSISTANCE. AT THIS POINT C.O
[HULSAIR] ATTEMPTED TO PULL MY FEET FROM UNDER ME. AS MORE
OFFICERS RESPONDED, AND I WAS TAKEN DOWN TO THE FLOOR. C.O
[HULSAIR] BEGAN TO PUNCH ME REPEATLY IN THE RIGHT EYE.
AT THIS POINT I AM AFRAID FOR MY LIFE BECAUSE THIS OFFICER
HAS RESTRICTED MY AIR WAY, PLUS THE (CHEMICAL AGENT) IS IN MY

(2)

THROAT AND C.O. [HUISAIR] HAS EXTREME PRESSURE ON MY WIND PIPE WITH HIS LEFT HAND CUTTING OFF MY AIR SUPPLY, TO THE POINT OF ME PASSING OUT. I AM TRYING TO RELAY THIS TO C.O. [HUISAIR] WHO THEN STRUCK ME TWICE (2) IN THE HEAD AND FOREHEAD AREA, WITH HIS BATON WHILE I AM IN MENTAL CONFUSION, TRY TO PROCESS WHAT HAS HAPPENED. ALSO IN MECHANICAL RESTRAINTS WHILE ABUSE IS TAKEN PLACE. NUMEROUS OF OFFICERS ARE PRESENT. C.O. [LOUIS J. MEROLLE] IS SITTING ON MY LOWER BACK AREA WHILE C.O. [ISMAEL MELVINE] IS HOLDING MY LEGS. C.O. HUISAIR THEN PULLS MY STATE GREENS DOWN AND STICKS HIS FINGER OR SOME SORT OF OBJECT INTO MY RECTUM SODOMIZING ME. THE RESPONDING [SGT. MICHAEL F. MRZYLAK] TOLD THESE OFFICERS THAT IF I SAID ANOTHER WORD TO THROW ME HEAD FIRST DOWN THE STAIRS. THIS STATEMENT WAS MADE BECAUSE I WAS SCREAMING AND CRYING FROM THE PAIN AND HUMILIATION THAT I WAS ENDURING. ONCE I WAS ESCORTED OUT OF UNIT, THE [DEPUTY OF PROGRAMS MARLYN KOPP] WITNESS ME SCREAMING FOR HELP BECAUSE I HAD JUST BEEN SEXUALLY ASSAULTED. [SHE] REFUSED TO STEP IN AND [RIGHT THIS WRONG] AS SHE WITNESS THE BLOOD POURING FROM MY HEAD WOUND. ONCE I MADE THIS STATEMENT TO [KOPP] INSTEAD OF TAKING ME TO MEDICAL FOR EXAMINATION, I WAS TAKEN TO [SHU] AND FORCED INTO THE SHOWER, [STILL IN RESTRAINTS] AND MY CLOTHES WERE CUT OFF. [NO RAPE EXAM WAS DONE] AT THE FACILITY LEVEL. DOCS HAS A POLICY FOR SEXUAL ASSAULTS AND WHEN THERE IS A COMPLAINT FILED AN ASSESSMENT IS SUPPOSED TO BE CONDUCTED. IT WAS THEN THAT I WAS AWARE THAT THIS INCIDENT WAS BEING

(3).

COVERED UP. ONCE I ARRIVED AT C. H. C. F I HAD MY FAMILY CALLING ABOUT MY CONCERNS FOR MY SAFETY, BECAUSE OF RETALIATION FROM A [SEPT 29 2011] INCIDENT OF ASSAULT, THAT I WAS SUBJECT TO BEING BEATEN RECEIVING A BROKEN NOSE. I WROTE TO [DEPUTY DANIELLE C MEDBURY] ABOUT MY CONCERNS FOR MY SAFETY. I SPOKE TO MENTAL HEALTH I WROTE TO [SUPERINTENDENT THOMAS GRIFFIN] ABOUT MY SAFETY AND CONCERNS. NO ONE ADHERED TO MY PLEAS. I FILED SEVERAL COMPLAINTS [GRIEVANCES] FOR SEXUAL ASSAULTS, AND THEY WERE DENIED. THIS ABUSE IS ALLOWED THROUGH THIS ADMINISTRATION AND A BLIND EYE IS TURNED REFUSING TO CORRECT THIS CONSTANT ABUSE. MY MOTHER SPOKE TO MY [DOCCS ORC COUNSELOR] MS. CHRISTA LLOYD ON MANY OCCASSIONS CONCERNING MY SAFETY. I WAS ASSAULTED IN THIS FACILITY IN 2011 AND SENT BACK TO ENDURE A WORSE ABUSE. ALL LETTERS SENT TO THIS ADMINISTRATION WERE OVER LOOKED AND PROVED THAT THESE TYPE OF INCIDENTS WOULD BE SWEEP UNDER THE RUG AND NOT CONSIDERED AN ISSUE. THIS ADMINISTRATION HAS NUMEROUS WRITTEN DOCUMENTATION ABOUT MY CONCERN FOR MY SAFETY AND WELL-BEING. I WAS SUBJECTED TO BEING HUMILIATED EMBARRASSED, SHAMED, ASSAULTED, SODOMIZED, DEGRADED, LAUGHTED AT, THREATEN WITH DEATH, [THREATEN TO BE THROWN HEAD FIRST] DOWN THREE (3) FLIGHTS OF STAIRS. THESE ACTS VIOLATED MY RIGHTS MY 1ST 4TH 8TH AND 14TH AMENDMENTS RIGHTS. THIS INCIDENT IS A CONTINUANCE OF RETALIATION FROM PREVIOUS SEXUALLY MOTIVATED ASSAULTS. PREVIOUSLY ON JULY 18, 2018 EARLY THAT DAY CO [JASON M. ALVAREZ] SEXUALLY ASSAULTED ME. INTO STATED TO ME

(4)

"ITS COMING WITHOUT YOU EVEN SEEING IT OR KNOWING." 8:00pm
 THAT SAME NIGHT I WAS SEXUALLY ASSAULTED AND BEATEN.
 ON April 19 2018 C.O. [Robert J. Womacko] AND C.O.
 [Craig F. Doyen] ALSO SEXUALLY ASSAULTED ME.

THIS 4-18-18 ASSAULT SUBJECTED ME TO BEING BEATEN,
 SODOMIZED, RECEIVING STITCHES, LACERATIONS, SWELLING, TO
 RECTUM. I TRIED CONSTANTLY TO PREVENT THESE ACTS
 BY WRITING AND VOICING MY CONCERNS TO THIS ADMINISTRATION
 AS WELL AS STOPPING DEPUTY [DANIELLE C. MEDBURY] DURING
 ROUNDS. SGT. [WILLIAM ROSE] WAS PRESENT FOR BOTH
 INCIDENTS ON JULY 18 2018 FIRST WITH C.O. [JASON M. ALVAREZ]
 SECOND THE 8:00PM ASSAULT. DURING THESE INCIDENTS
 [ROSE] NEVER STEPPED IN TO STOP THE ABUSE WHICH HE
 WITNESS NEVER CORRECTING THIS INHUMAN BEHAVIOR.

OFFICER [HUISAIR] WAS IN NO DANGER FROM ME. MY BACK
 WAS TO THIS OFFICER FROM THE 1ST FLOOR TO THE 3RD FLOOR. I AM
 WALKING AWAY, NOT TOWARDS HIM. NO THREATING MANNER, NO ABUSIVE
 LANGUAGE, NO THREATING GESTURES THAT COULD BE PRECONCEIVED
 AS A THREAT. THESE ACTS WERE DONE MALICIOUSLY AND SADISTICALLY
 WITH THE STATE OF MIND TO CAUSE PAIN AND HUMILIATION, A
 WANTON INFLECTION OF PAIN, TO CARRY OUT A DEVIANT SEXUAL
 GRATIFICATION. THIS INHUMAN TREATMENT WAS UNWARRANTED
 UNNECESSARY AND UNWANTED. THESE OFFICERS SOLE PURPOSE WAS TO GAIN
 A SEXUAL AROUSAL WHILE SUBJECTING ME TO HUMILIATION AND DEFEAT
 KNOWING THAT I WAS AFRAID FOR MY LIFE, SO HE USED THIS
 FEAR TO SEXUALLY ASSAULT ME WITH A DEVIANT STATE OF
 MIND. IF I SAID ANYTHING OR MOVED I WOULD BE THROWN

(5)

HEAD FIRST DOWN THE STAIRS. THERE IS NO PENOLOGICAL JUSTIFICATION FOR THIS ABUSE OR CONTACT IT WAS DONE TO GROOMING THIS OFFICER [HULSAIR] SEXUAL DESIRE AND HE ACHIEVED THAT. THIS OFFICER [HULSAIR] CLEARLY UNDERSTANDS AND UNDERSTOOD WHAT THE PRISON RAPE ELIMINATION ACT STANDS FOR [PREA]. THAT ITS AGAINST POLICY AND PROCEDURE TO ENGAGE IN THIS TYPE OF BEHAVIOR. [HULSAIR] STATE OF MIND [WAS] I DO NOT CARE WHY? BECAUSE HIS SUPERVISORS ALLOWED THIS ACT AGAINST ANOTHER HUMAN BEING TO PROCEED WITHOUT INTERFERENCE OR CONSEQUENCES. THESE ACTS WERE ALLOWED BY OTHER FELLOW OFFICERS THAT WERE PRESENT SUPERVISORS THAT WERE PRESENT AND REFUSED TO INTERVENE TO CORRECT THIS OR TAKE CORRECTIVE ACTION AFTER WITNESSING THIS CONSTITUTIONAL VIOLATION BECAUSE OF THE BAND OF BROTHERS CODE OF BLUE RULES. THIS ADMINISTRATION'S FAILURE TO ACT IN RESPONSE TO INFORMATION THAT UNCONSTITUTIONAL ACTS WERE OCCURRING. GRIEVANCES, FAMILY CALLING. ORC AWARENESS MENTAL HEALTH, DOCUMENTATION. THE INFORMATION WAS THERE, AND THE ADMINISTRATIVE OFFICIALS GRIFFIN, LAMANNIA, MEDBURY, KOPP, RUSSO. [FAILED TO SUPERVISE]. SGT MEZYERLOD SGT ROSE. C.O HULSAIR, C.O MELVIN C.O MEROLIE C.O HIMMELSTEIN C.O C. MINNO C.O THURSETT C.O ESCALERA C.O ALVAREZ C.O WOMACSKO C.O DOYEN. THESE ACTS WERE THE RESULT OF RETALIATION, WHICH IS CONSTANT WHEN YOU FILE GRIEVANCES COMPLAINTS TOWARD STAFF MISCONDUCT AND WRONG DOING. THEY [OFFICERS] SUBJECT YOU TO ABUSE, ASSAULT, CELL SEARCHES, DISCARDED PROPERTY OR WEAPONS PLANTED, OR DRUGS.

⑥

[DEP. MARLYN KOPP] was present while I was being assaulted, outside of the E-Block unit. As I screamed for her to help me, pleading for her to assist me while being abused and assaulted by [C.O. Louis R. Commisso III] and [C.O. Clifford K. GUNSETT] who continued their assault by punching me in my ribs, lower back while still in mechanical restraints. IF THIS [DEPUTY KOPP] who is a Boss of these individuals, who were committing this inhumane act would not step in to right this wrong of physical abuse, than what is that saying about the administration located at G.H.C.F. This facility is a breeding ground for corruption because the officers are allowed to do as they please; This is without any fear of consequences or fear of causing another human extreme pain or injury or even death. THESE acts were intentional and purposely done with a male and malicious intent mentally, emotionally, psychologically my life has changed from being beaten and sexually sodomized. Sadistically this was done to caused harm, pain, and humiliation. This was NOT done in GOOD Faith to maintain discipline or order. TO USE a CHEMICAL AGENT, A BATON, A CLOSED FIST, TO SODOMIZE while a person is in MECHANICAL RESTRAINTS DOES NOT COVER THE GOOD FAITH. I am legally blind, A LEVEL ONE MENTAL HEALTH patient, WHO SUFFERS FROM MAJOR DEPRESSION DISORDER, P.T.S.D. I AM A SEVER MENTAL PATIENT WHO WAS ABUSED AND DEGRADED VIOLATING MY 1ST, 4TH, 8TH AND 14TH AMENDMENTS AND THE [A.D.A] AMERICAN DISABILITY ACT.

(7).

THIS ADMINISTRATION DISREGARDED A CLEAR AND OBVIOUS RISK OF HARM. SO I MUST LIVE WITH THE LINGERING PSYCHOLOGICAL AFFECT FROM THE UNWANTED INTRUSION OF BEING SODOMIZED. THIS IS WHAT HAPPENS WHEN YOU MAKE COMPLAINTS. THE OFFICERS CIRCULATE THIS INFORMATION TO OTHER OFFICERS WHO RETALIATE FOR THEM. I WAS THE SUBJECT OF TWO (2) PREVIOUS SEXUAL ASSAULTS. ALSO THE SUBJECT OF AN ASSAULT IN [2011] IN G.H.C.F THIS CODE OF BLUE AND BAND OF BROTHERS [SLOGAN] WILL PARTICIPATE IN DEATHS, ASSAULTS, ABUSE, SODOMIZING, RETALIATION, HUMILIATION, LAUGHTER, CAUSING BLUNT TRAUMA, PAIN [COVERING EACH OTHERS BACK], FALSE REPORTING, FALSE MISBEHAVIOR REPORTS, INTIMIDATION, WEAPON PLANTING, ETC. THIS TYPE OF BEHAVIOR IS COMMON IN [G.H.C.F] ITS DONE TO CAUSE FEAR AND HUMILIATION, ESPECIALLY WHEN ANOTHER MAN SEXUALLY ABUSE YOU FOR THEIR OWN SEXUAL PLEASURE. WHEN THEY OFFICERS KNOW ITS UNWANTED. IT LEAVES A FOREVER AFFECT, A PAIN WHICH DOES NOT GO AWAY. THIS ADMINISTRATION KNEW BEFORE HAND THAT MY COMPLAINING ABOUT MY SAFETY WAS A SERIOUS ISSUE I HAD SUBMITTED TWO (2) PREVIOUS COMPLAINTS [GRIEVANCES] OF SEXUALLY MOTIVATED ASSAULTS. [OSI] WAS NEVER CONTACTED AND IT WAS LOOKED AT AS A NON ISSUE A LIE. THE ADMINISTRATION FAILED TO TAKE REMEDIAL ACTION, LEAVING ME [FAILING TO PROTECT] TO BE ABUSE AND SEXUALLY ASSAULTED. ITS LEFT A MENTAL ANGUISH AND PHYSICAL PAIN. REPORTS WERE FAISIFIED OF ASSAULT ON STRIP DRUG POSSESSION, SMUGGLING VIOLENT CONDUCT. ALL TO COVER UP THE FACT THAT I WAS VIOLATED AND SEXUALLY ASSAULTED [SODOMIZED]

(8.)

THIS JUSTIFICATION WAS USED TO EXERT EXTREME PHYSICAL FORCE, BECAUSE ANY HOSTILITY TOWARDS A [OFFICER] IN G.H.C.F. WOULD NOT GO UNPUNISHED. NO MATTER IF IT WAS TRUE OR NOT DELIBERATELY INDIFFERENT FAILURE TO PROVIDE ADEQUATE MEDICAL CARE. ONCE DISCHARGED FROM OUTSIDE HOSPITAL, I COMPLAINED OF SEVER HEADACHES AND DIFFICULTIES OF BOWEL MOVEMENT, BECAUSE OF PAIN. I WROTE TO PROVIDER [DR. SILVER] AS WELL AS [DR. DIRECTOR ROBERT V. BENTIVEGNA] CONCERNING THE SERIOUS HEAD PAIN, AND EXCRUCIATING PAIN IN RECTUM. [STH MEDICAL PROVIDER EDWIN UZU] ALSO WAS AWARE OF CONSTANT PAIN. INHU STATED "YOU SAW SOMEONE AT HOSPITAL WHAT MORE DO YOU WANT." DURING DAILY ROUNDS I EXPRESSED THE PAIN AND DISCOMFORT I WAS EXPERIENCING STILL I WAS LEFT TO ENDURE SUCH PAIN WITHOUT ANY RELIEF OF PAIN MEDS, BEING PRESCRIBED. I HAD TO BE SUBJECTED TO THIS UNWANTED PAIN WHICH CAUSED A LACK OF SLEEP AND CAUSED AN UNBEARABLE EXCRUCIATING LINGERING PAIN. THIS UNNECESSARY SUFFERING SHOULD NOT HAVE HAPPENED. AS A PRISONER I HAVE TO RELY ON THESE INDIVIDUALS TO PROVIDE THE PROPER MEDICAL CARE. THIS DELIBERATELY INDIFFERENT BY MEDICAL AND PRISON OFFICIALS WERE CAREFULLY THOUGHT OUT, A PLAN TO KEEP THE SERIOUSNESS OF THIS JULY 18 2018 INCIDENT FROM SHOWING PROOF OF THE DANGEROUS ENVIRONMENT WHICH LACKS DECENCY FOR PRISONERS. THE MEDICAL STAFF KNEW THE SERIOUSNESS OF INJURIES I HAD SUSTAINED AND YET REFUSED TO PROVIDE AND RELIEF FOR A PAIN THAT WAS EXTREMELY DIFFICULT TO ENDURE. INTIMIDATION PLAYED A MAJOR FACTOR IN MEDICALS DECISION MAKING CONCERNING MY HEALTH, BY [OFFICERS].

⑨

medical allowed me to suffer through this pain, it was UNNECESSARY because there was a clear understanding for what I had been sent to the outside Hospital For. Also THE RECOMMENDATIONS for my discharge plan. THE INFLECTION of such UNNECESSARY suffering is inconsistent with contemporary standards of decency. I was punished with excessive force and sadism and again punished with inadequate medical care. This administration and supervisors named in complaint failed to protect me from this unconstitutional acts. This conduct was negligence in violation to protect me from a foreseeable risk of harm. These individuals were acting within the scope of their employment, while carry out these horrible acts while on duty. This is common, a method to silencing prisoners who complain about any type of abuse within the Department of Corrections. These individuals and supervisors had knowledge of this violation that was UNCONSTITUTIONAL to my rights. THE ordering and helping with these unlawful acts shows that this administration and supervisors are liable. These acts are not apart of these individuals official duties. These acts are apart of their own personal entertainment and sadistic behavior and gratification. This abuse is over looked and done so because these individuals [OFFICERS] ARE clothed with authority of state law which allows them to subject prisoners to abuse that violates the decency of mankind. This authority allows them to perform inhumane, sick, selfless measures that are in violation of human rights.

(10)

This abuse isn't governed by the policies and procedures of a Correctional officers official duty. This malicious behavior and sadistic state of mind is performed beyond the authority of administrative officials and Correctional officers. These assaults are well-known and inadequately addressed leaving a psychological injury. We have no option of moving to a location free of this type of abuse, because we are entrusted to prison officials. This exposure to abuse is endless it has and always will go on unpunished.

It causes significant depression, nausea, headaches, insomnia, fatigue, anxiety, irritability, nervousness, loss of self-esteem, thoughts of death, self-harming. THE DEPARTMENT HAS A CLEAR UNDERSTANDING OF THE PRISON ELIMINATION ACT and how it should be reported there are posted procedures. These [OFFICERS] pass the stories along the grapevine which consist of C.O's L.T SGT's etc. THESE C.O's AND SUPERVISOR DO NOT REPORT AN INCIDENT TO THE proper channels. THE SENSITIVE INFORMATION THAT'S CONFIDENTIAL THE HIGHER UP'S DO NOT CONDUCT EFFECTIVE INVESTIGATION. THIS SMALL COMMUNITY IN WHICH WE LIVE, MUST KNOW THE DETAILS OF A degrading assault because it's done in plain view and widely accepted by supervisors. Most were C.O themselves so who's really doing the right thing? So with it being spread around Retaliation is done without consequences. Prison officials, officers, use their positions to intimidate and sometimes threaten the civilians, therapists other C.O's (New) etc and coerce into silence so must insulate themselves from scrutiny by not speaking out against

(11)

UNCONSTITUTIONAL ACTS. THESE TYPES OF ABUSE THE ADMINISTRATION DOES NOT THOROUGHLY INVESTIGATE AND MOST OF THEM ARE NOT TAKEN SERIOUSLY. OFTEN ITS RESPONDED TO SLOWLY AND SUPERFICIALLY BECAUSE OFFICERS WHO COMMIT THESE ASSAULTS AND MALICIOUS ACTS ARE OFTEN ALLOWED TO REMAIN IN THE SAME FACILITY AND THE INVESTIGATIONS CONSISTENTLY ACHIEVE INCONCLUSIVE RESULTS. THE ASSAULTIVE OFFICERS COMMUNICATE TO THEIR SUPERVISORS THAT THE ABUSE THEY SUBJECT PRISONERS TO IS NOT SERIOUS AND SUPERVISORS AND ADMINISTRATORS AGREE. PERMITTING FUTURE ABUSE, ASSAULTS, DEATH, SEXUAL ASSAULTS, HARASSMENT, RETALIATIONS, BATTERY, THREATS, ETC. THE LACK OF TRAINING CAUSES A SUBSTANTIAL RISK TO PRISONERS BUT STILL WITH ADEQUATE TRAINING THERE ARE OFFICERS WHO DISREGARD RULES AND CARRY OUT THESE INHUMAN ACTS. MEDICAL, CIVILIANS, ETC. BECOME COMPLACENT AND CONFORM TO WHAT DOES SEEM IMPORTANT WITH IN THE FACILITY BECAUSE OF INTIMIDATION.

I AM SEEKING MONEY DAMAGES FROM EACH INDIVIDUAL IN THEIR OWN OFFICIAL CAPACITY IN THE AMOUNT OF [\$100,000.00] DOLLARS FOR VIOLATION OF MY 1ST 4TH 8TH 14TH AMENDMENT RIGHTS. VIOLATION OF A.D.A

<u>THOMAS GRIFFIN</u>	<u>CHARLES D. HULSE JR</u>	<u>CLIFFORD K. GUNSE</u>
<u>JAMIE M. LAMANNA</u>	<u>ISHMAEL MELVIN</u>	<u>ADAM E. ESCALERA</u>
<u>ANTHONY C. RUSSO</u>	<u>LOUIS J. MELOLLO</u>	<u>JASON M. ALVAREZ</u>
<u>DANIELLE C. MEDBURY</u>	<u>WILLIAM ROSE</u>	<u>ROBERT J. WUMACSKO</u>
<u>MARLYN KOFF</u>	<u>JOSEPH N. HIMMELSTEIN</u>	<u>CRAIG E. DOYEN</u>
<u>MICHAEL F. MEZYGLOD</u>	<u>LOUIS R. CIMMINO III</u>	<u>ROBERT Y. BENTIVEGNA</u>

PERSONAL INVOLVEMENT

(12)

- ① THOMAS GRIFFIN - RECEIVED WRITTEN DOCUMENTATION ABOUT MY SAFETY AND DENIED A FORESEEABLE RISK OF HARM
TITLE SUPERINTENDENT (PREVIOUSLY G.H.C.F.) [INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY]
- ② JAMIE M. IAMANNA - RECEIVED WRITTEN DOCUMENTATION ABOUT MY SAFETY AND DENIED A FORESEEABLE RISK OF HARM
TITLE SUPERINTENDENT [INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY]
- ③ ANTHONY C. RUSSO - RECEIVED NOTICE FROM DEPUTY DANIELLE C. MEDBURY ABOUT CONCERN FOR SAFETY IGNORED COMPLAINTS
TITLE DEPUTY OF SECURITY [INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY]
- ④ DANIELLE C. MEDBURY - COMMUNICATED WITH ME THROUGH NUMEROUS LETTERS ABOUT MY SAFETY AS WELL AS SPEAKING WITH ME DURING ROUNDS KNEW THAT I FEARED FOR MY SAFETY.
TITLE DEPUTY OF MENTAL HEALTH [INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY]
- ⑤ MARYLN KOPP - WITNESS THE EXCESSIVE FORCE AND BEATING I RECEIVED. FAILED TO STEP IN AND STOP THE ABUSE AS IT TOOK PLACE. SHE HELD THE AUTHORITY TO RIGHT THIS WRONG AS IT TOOK PLACE IN HER PRESENCE. HER SILENCE SHOWED HER PARTICIPATION THAT IT WAS OKAY TO CARRY OUT THIS INHUMANE ACT. TITLE - DEPUTY OF PROGRAMS [INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY]
- ⑥ MICHAEL F. MEZYGLIOW - AS A SUPERVISOR, REFUSED TO STOP THE ASSAULT AND ABUSE I ENDURED, ALSO ENCOURAGING HIS STAFF THAT I SHOULD BE THROWN HEAD FIRST DOWN THE STOPS IF I DID NOT SHUT UP WHILE BEING SODOMIZED.
TITLE - CORRECTIONAL SERGEANT [INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY]
- ⑦ ISHMAEL MELVIN - HELD MY LEGS WHILE I WAS BEING SODOMIZED AND BEATEN.
TITLE - CORRECTIONAL OFFICER [INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY]

(13)

⑧ LOUIS J. MEROLLE - SAT ON LOWER BACK WHILE HANDCUFFED, DURING SODOMIZING AND BEATING. INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

TITLE - CORRECTIONAL OFFICER

⑨ WILLIAM ROSER - WATCHED SEXUAL ASSAULT TAKE PLACE WHILE I WAS ISOLATED EARLY THAT DAY 7-18-18 BY C.O. JASON M. ALVAREZ. WILLIAM ROSER WAS PRESENT FOR ABUSE THAT TOOK PLACE AT 8:00AM THAT SAME NIGHT.

TITLE - SERGEANT

INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

⑩ JACOB N. HIMMELSTAIN - SPRAYED (OC SPRAY) IN MY FACE WHILE I WAS HANDCUFFED ON FLOOR. STOOD BY WATCHING AS SODOMIZING AND BEATING TOOK PLACE. TITLE - CORRECTIONAL OFFICER INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

⑪ LOUIS R. CIMMINO III - CONTINUED TO ASSAULT ME WHILE IN HANDCUFFS BEING MOVED TO SHU PUNCHING ME IN THE BACK OF HEAD NECK, SPIN AS IF TRYING TO BREAK MY NECK.

TITLE - CORRECTIONAL OFFICER

INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

⑫ CLIFFORD R. GILBERT - CONTINUED TO ASSAULT ME WHILE IN HANDCUFFS BEING MOVED TO SHU PUNCHING ME IN THE RIB AREA AND BACK, ALSO FALSIFIED MISBEHAVIOR REPORT FOR DRUGS TO COVER UP SODOMIZING ASSAULT.

TITLE - CORRECTIONAL OFFICER

INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

⑬ ADAM E. ESCALERA - STOOD AND WATCHED BEATING AND SODOMIZING TAKE PLACE. FALSIFIED MISBEHAVIOR REPORT FOR DRUGS AND SMUGGLING TO COVER-UP THE FACT THAT I WAS SODOMIZED. THIS individual looked on WITHOUT BLINKING AN EYE TITLE - CORRECTIONAL OFFICER INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

⑭ JASON M. ALVAREZ - SEXUALLY ASSAULTED ME EARLY THE SAME DAY 7/13/18 WHILE ISOLATING ME WITH OTHER OFFICERS AROUND. THREATENING ME AND MY LIFE. PULLING ON MY PENIS DURING SEARCH MAKING DEGRADING COMMENTS IN A SEXUAL NATURE. TITLE - CORRECTIONAL OFFICER INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

(14)

(15) CHARLES D. HULSAID JR. - STRUCK ME ABOUT THE HEAD WITH HIS BATON, A CLOSED FIST TO THE RIGHT EYE, SPRAYED HIS OC SPRAY IN MY FACE HE SODOMIZED ME, DISPLAYING A SEXUAL DESIRE, TO DEGRADE AND SATISFY HIS OWN DEVIANT SEXUAL GRADIFICATION. THIS MALICIOUS AND SADIISTIC MIND SET CAUSE A WANTON INFLICTION OF PAIN.

THE - CORRECTIONAL OFFICER [INDIVIDUALLY IN HIS OFFICIAL CAPACITY]

(16) ROBERT V. BENTIVEGNA - REFUSED TO ACKNOWLEDGE THE SERIOUSNESS OF THE INJURY THAT I SUSTAINED BOTH HEAD WOUND AND SODOMIZING THIS INDIVIDUAL REFUSED TO PRESCRIBE ANY MEDICATION FOR THE EXCRUCIATING PAIN, THAT I WAS CONSTANTLY HAVING. I RECEIVED STITCHES AS WELL. I SENT NUMEROUS REQUEST TO MEDICAL FOR RELIEF CONCERNING THIS PAIN. ALL PLEAS WENT UNANSWERED. THIS INDIVIDUAL WAS AWARE OF THE SERIOUSNESS OF MY INJURIES, INFLUENCE AND INTIMIDATED BY DOCS MR. BENTIVEGNA WAS DELIBERATELY INDIFFERENT TO PROVIDE ADEQUATE MEDICAL CARE.

THE MEDICAL DIRECTOR [INDIVIDUALLY IN HIS OFFICIAL CAPACITY]

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WENDE C.F

WENDE R.D P.O Box 1187

Alden, New York 14004-1187

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